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ATTORNEYS FOR ALL PLAINTIFFS

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO/OAKLAND  
DIVISION

JANE ROE, an individual; MARY ROE,  
an individual; SUSAN ROE, an  
individual; JOHN ROE, an individual;  
BARBARA ROE, an individual;  
PHOENIX HOTEL SF, LLC, a  
California limited liability company;  
FUNKY FUN, LLC, a California limited  
liability company; and 2930 EL  
CAMINO, LLC, a California limited  
liability company,

Plaintiffs,

v.

CITY AND COUNTY OF SAN  
FRANCISCO, a California public entity,

Defendants.

Case No. 4:24-cv-01562-JST

**NOTICE OF MOTION FOR  
PRELIMINARY INJUNCTION AND  
REQUEST FOR ORAL ARGUMENT  
AND EVIDENTIARY HEARING**

**Date: October 27, 2025**

**Time: 8:30 a.m.**

**ASSIGNED FOR ALL PURPOSES  
TO THE HONORABLE DISTRICT  
JUDGE JON S. TIGAR,  
COURTROOM 6**

Action Filed: 03/14/2024  
Trial Date: Unassigned

1 **TO DEFENDANT CITY AND COUNTY OF SAN FRANCISCO AND ITS**  
2 **ATTORNEYS OF RECORD:**

3 PLEASE TAKE NOTICE THAT at 8:30 a.m. on October 27, 2025, or soon  
4 thereafter as counsel may be heard, in the courtroom of the Honorable Jon S. Tigar,  
5 **Department 6**, located at **1301 Clay Street, 2<sup>nd</sup> Floor, Oakland, California**,  
6 Plaintiffs will move the Court for an order granting a preliminary injunction  
7 pursuant to Fed. R. Civ. P. 65, as follows:

8 1) restraining and enjoining the CITY AND COUNTY OF SAN FRANCISCO,  
9 its directors, agents, servants, employees and attorneys, and all those in active  
10 concert or participation with the CITY AND COUNTY OF SAN FRANCISCO from  
11 directly or indirectly supplying fentanyl or methamphetamine-related drug  
12 paraphernalia to any individuals, groups, organizations, or entities within the  
13 Tenderloin neighborhood, and

14 2) restraining and enjoining the CITY AND COUNTY OF SAN FRANCISCO,  
15 its directors, agents, servants, employees and attorneys, and all those in active  
16 concert or participation with the CITY AND COUNTY OF SAN FRANCISCO from  
17 allowing City-funded contractors from directly or indirectly furnishing fentanyl or  
18 methamphetamine-related drug paraphernalia to any individuals, groups,  
19 organizations, or entities within the Tenderloin neighborhood.

20 This motion will be made on the ground that immediate and irreparable injury  
21 will result to Plaintiff unless the activities described above are enjoined pending trial  
22 of this action, and will be based on this Notice of Motion and Motion, the  
23 accompanying Memorandum of Points and Authorities, and the declarations  
24 of Ashcon Minoiefar, Omar Ward, Randy Shaw, Jane Roe, Mary Roe, Susan Roe,  
25 John Roe, Barbara Roe, Isabel Manchester, Sam Patel, attached hereto, and any  
26 testimony and/or evidence introduced at an evidentiary hearing.

27 **Moving Parties are requesting that the Court allow oral argument and**  
28 **an evidentiary hearing, as proposed in the Joint Case Management**

1 **Conference Statement dated May 13, 2025.** (ECF No. 96.) The Court has set a  
2 Case Management Conference on September 29, 2025, to determine how to conduct  
3 the requested Preliminary Injunction Hearing.

4 Dated: August 25, 2025

WALKUP, MELODIA, KELLY & SCHOENBERGER

5  
6 Bv: 

7 MICHAEL A. KELLY  
8 RICHARD H. SCHOENBERGER  
9 MATTHEW D. DAVIS  
10 ASHCON MINOIEFAR  
11 Attorneys for ALL PLAINTIFFS  
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**PROOF OF SERVICE**

**Jane Roe, et al. v. City and County of San Francisco, et al.  
USDC-Northern California Case No. 4:24-cv-01562-JST**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the county where the mailing took place, My business address is 650 California Street, 26th Floor, City and County of San Francisco, CA 94108-2615.

On the date set forth below, I caused to be served true copies of the following document(s) described as

- **NOTICE OF MOTION FOR PRELIMINARY INJUNCTION AND REQUEST FOR ORAL ARGUMENT AND EVIDENTIARY HEARING**
- **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**
- **DECLARATION OF OMAR WARD IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**
- **DECLARATION OF RANDY SHAW IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**
- **DECLARATION OF JANE ROE IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**
- **DECLARATION OF MARY ROE IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**
- **DECLARATION OF SUSAN ROE IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**
- **DECLARATION OF JOHN ROE IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**
- **DECLARATION OF BARBARA ROE IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**
- **DECLARATION OF ISABEL MANCHESTER IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**
- **DECLARATION OF SAM PATEL IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**
- **DECLARATION OF ASHCON MINOIEFAR IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**
- **[PROPOSED] PRELIMINARY INJUNCTION**

to:

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(related case USDC-Northern California case #4:20-cv-03033-JST)

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18 **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the  
19 document(s) with the Clerk of the Court by using the CM/ECF system. Participants  
20 in the case who are registered CM/ECF users will be served by the CM/ECF system.  
Participants in the case who are not registered CM/ECF users will be served by mail  
or by other means permitted by the court rules.

21 I declare under penalty of perjury under the laws of the United States of  
22 America that the foregoing is true and correct and that I am employed in the office of  
a member of the bar of this Court at whose direction the service was made.

23 Executed on August 25, 2025, at San Francisco, California.

24 

25  
26 Kirsten Benzien